

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 5-21-03.

## I. DISPUTE

Whether there should be reimbursement for CPT codes 62290-51-80, 22148-80 and 61712-51-80.

## II. FINDINGS

The respondent denied reimbursement based upon “F – Fee Guideline MAR reduction and G – Unbundling.” On 6-6-02, the requestor billed the following CPT codes: 63048-99-80, 22630-51, 22612-51, 62290-51-80, 22148-80, 20975-80, 99221, 22899-99-80, 22842-80, 22845-80, 63042-80, 63048-80, 63685-99-51-80, 22830-51-80, 61712-51-99 and 22625-51-80 for the total amount of \$5,303.00.

## III. RATIONALE

Modifier -51 Multiple Procedure: When multiple procedures are performed on the same day or at the same operative session, the major procedure or service is billed as listed. For the secondary additional, or lesser procedure(s) or services(s), add modifier “-51”.

According to the *Medical Fee Guideline*, Surgery Ground Rule (I)(D)(1) titled Multiple Procedures, “a) 100% of the MAR for the primary procedure, (major procedure reflecting the greatest value); b) 50% of the MAR for secondary or subsequent procedures when: i) the secondary or subsequent procedures are performed through the same incision and related to the primary procedure.”

According to the *Medical Fee Guideline* Modifier “-80 Assistant Surgeon: For surgical assistant services by a doctor, add the modifier ‘-80’ to the usual procedure number(s). Documentation on the operating room record shall indicate the amount of time spent by the assistant surgeon in the operative session and the need for an assistant surgeon. Documentation shall substantiate the attendance of the assistant surgeon 70% of the time during the performance of one operative session. The reimbursement shall be 25% of the listed MAR of the surgical procedure(s).”

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MAR\$ (Maximum Allowable Reimbursement)	Reference	Rationale
6-6-02	62290-51-80*	\$38.00	\$0.00	G	\$303.00 X 25% = \$75.75	Surgery GR (I)(D)(1)(b) GSDOS 1994	Injection procedure for discography, each level; lumbar

						Edition	Discography was not global to any procedure performed on this date; operative report supports service billed per MFG, reimbursement of 25% of \$303.00 = \$75.75.
6-6-02	22148-80	\$303.50	\$0.00	G	\$1214.00 X 25% = \$303.50	GSDOS 1994 Edition Surgery GR (I)(D)(2)	Harvesting of bone autograft for vertebral reconstruction following vertebral corpectomy  Harvesting of bone autograft from distant site is not global to procedures performed on this date; therefore, reimbursement of \$303.50.
6-6-02	61712-51-80	\$375.00	\$221.25	F	DOP	Section 413.011(b)	Microdissection, intracranial or spinal procedure (list separately in addition to code for primary procedure)  The requestor submitted redacted EOBs from ___, ___ and ___ that support amount billed complies with Section 413.011(b); therefore, additional reimbursement of \$375.00 minus amount paid of \$221.25 = \$153.75 is recommended.
TOTAL							The requestor is entitled to reimbursement of <b>\$533.00.</b>

#### IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for CPT codes 62290-51, 22148 and 61712-51 in the amount of **\$533.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$533.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 18th day of February 2004.

Elizabeth Pickle  
Medical Dispute Resolution Officer  
Medical Review Division